

claims (claims 32, and 35-47) in the present application, and cancels the group 3 claims (claims 48-57) herein without prejudice to be pursued in a divisional application. A complete listing of the claims and their status is presented in the Appendix, in accordance with 37 C.F.R. §1.121.

IN THE CLAIMS

Please cancel claims 48 – 57 (the group 3 claims).

TRAVERSAL

In the Office Action, restriction under 35 U.S.C. §121 is required between three groups of claims as follows:

Group 1 – Claims 32 and 35-43, asserted to be drawn to “retrieving and transmitting information, which includes instructions and definition that define a functionality and an appearance of a user interface, classified in class 715, subclass 744”

Group 2 – Claims 44-47, asserted to be drawn to “storing addresses for content in the data store, classified in class 715, subclass 530” and

Group 3 – Claims 48-57, asserted to be drawn to “monitoring network information, classified in class 709, subclass 224.”

Applicant appreciates the Examiner's intent to clarify the prosecution of the present case. However, applicant respectfully traverses the restriction between group 1 and group 2.

The basis for the restriction between group 1 and group 2 is the assertion that the claims of group 1 are drawn to "retrieving and transmitting information" while the claims in group 2 are drawn to "storing addresses for content", each of these being classified in different subclasses. The basis for this traversal is that this assertion is not correct, and that the claims of both groups are directed to "retrieving and transmitting information", each properly falling within the same class and subclass.

We assume for this discussion that independent claim 32 is a representative claim for group 1, and independent claim 44 is a representative claim for group 2. These claims are reproduced below for reference:

32. A method of providing content to a user, comprising:

receiving a request for the content;

in response to the request, retrieving information usable by a computing device to present data that is programmed in a format readable by a Web browser program outside of a window of a Web browser program, wherein the information includes instructions for invoking a computing device resident process executable independent of a Web browser and a definition that defines at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program and within which the results of the computing device resident process are presented; and

transmitting the information.

44. A method of providing Internet content to a user of a computing device, comprising:

storing a first address for first content in a data store, wherein the first address is usable by the computer device to present the first content outside of a window of a Web browser program;

storing a second address for second content in the data store, wherein the second address is usable by the computer device to retrieve a definition that defines at least in part a functionality, which is other than hyperlink functionality, and an appearance of a user interface within which the first content is presented and that is programmed in a format readable by a Web browser program;

in response to a request from a computing device, retrieving information that includes the first address and the second address from the data store; and

transmitting the information to the computing device.

If we create a table of the fundamental or conceptual steps of these claims we obtain the following:

| Claim 32 | Claim 44 |
|-------------------------------|---|
| A method of providing content | A method of providing content |
| receiving a request | |
| | storing first and second addresses |
| retrieving information | retrieving information (that includes the first and second addresses) |
| transmitting the information | transmitting the information |

Table 1

We see from the language of the claims, and most clearly from table 1, that each claim fundamentally involves providing content by retrieving and transmitting information. In claim 32, we see the additional step of receiving a request (the retrieving being done in response to the request), and in claim 44 we see the additional steps of storing addresses (the retrieving being done in response to a request and including the addresses). Importantly, just as the step of "receiving" does not cause claim 32 to be drawn to a method of receiving, the step of "storing" does not cause claim 44 to be drawn to a method of storing. Rather, the overall objective and result of each of these claims is to retrieve and provide information to a user.

If we next look at the definitions of the proposed classes for group 1 and group 2, we see the following:

715/744 - Interface Customization Or Adaption (e.g., Client Server):

This subclass is indented under subclass 733. Subject matter wherein an interactive user environment is specifically established or modified to suit the needs of the user at a given site. (From the indentation, this forms a part of: Subject matter wherein a user's interaction with a computer system is used to control the presentation of display data, wherein concurrently established related or collaborative interfaces are provided to multiple displays.)

715/530 - Edit, Composition, Or Storage Control: This subclass is indented under subclass 500. Subject matter including means or steps for developing or changing a document wherein one or more elements of a document (i.e., text, graphics, control, or format codes) are added, deleted, or modified, or including means or steps for storing the resultant altered document or the alterations.

It is proposed that the group 1 claims be classified in class 715, subclass 744, and that the group 2 claims be classified in class 715, subclass 530. It seems possible that a method of retrieving and providing information to a user could be considered establishing a user

environment as reference in the definition of subclass 744 (although the claims of the present application are not literally limited to concurrently established related or collaborative interfaces provided to multiple displays.) However, a method of retrieving and providing information cannot reasonably be considered an example of a method of changing a document by adding, deleting or modifying the document, and storing the modified document or the modifications, as contemplated by the definition of subclass 530. It therefore is clear that claims 32 and 35-47 (group 1 and group 2) should be grouped together, for example in the proposed subclass 744. Furthermore, it is clear that none of the claims of group 1 or group 2 should properly be classified under subclass 530.

It is also worth noting that even if one considers the group 2 claims to be more about storing information than retrieving and delivering information (contrary to what is demonstrated above), nothing in the group 2 claims discusses changing a document by adding, deleting or modifying the document, and storing the modified document or the modifications. Thus, there seems no basis for the proposition that the group 2 claims be classified under subclass 530.


It was applicants intent, when preparing and submitting these claims in the RCE for this application, to comply with the recommendation in section 608.01(m) of the MPEP that applicant include "at the time of filing or no later than the first reply, claims varying from the broadest to which he or she believes he or she is entitled to the most detailed that he or she is willing to accept." By adding limitations to the fundamental concepts of the base claim (the broadest to which applicant believes it is entitled), claims of more narrowing scope are presented. That is, claim 44 adds limitations relating to storing addresses to the foundation of providing content by retrieving and transmitting found in claim 32. As between the claims of group 1 and group 2, applicant has not presented claims of differing technical classes. Rather, the claims of group 2

(e.g., claim 44) with their additional limitations within a similar fundamental structure to that of group 1 (e.g., claim 32), are of a different scope not category compared to the claims of group 1.

For these reasons, applicant asserts that the restriction requirement between group 1 and group 2 is improper and requests that said restriction requirement be reconsidered and removed. Furthermore, applicant has cancelled the claims to group 3 herein. Accordingly, applicant asserts that this reply is fully responsive to the Office Action, and requests that further examination proceed to consideration of its merits in light of the amendments and remarks submitted by applicant on December 30, 2005.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,


Jonathan A. Small
Attorney for Applicant
Registration No. 32,631

343 Second St., Suite F
Los Altos, California

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Telephone: 650-941-4470